



EXPRESS MAIL NO. EV336654419US

PTO/SB/01A (08-03).

Approved for use through 10/31/2002. OMB 0651-0032.

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## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	COMPOSITIONS AND METHODS FOR ELIMINATING UNDESIRED SUBPOPULATIONS OF T CELLS IN PATIENTS WITH IMMUNOLOGICAL DEFECTS RELATED TO AUTOIMMUNITY AND ORGAN OR HEMATOPOIETIC STEM CELL TRANSPLANTATION
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or  
 Application No. 10/729,822, filed on December 5, 2003,  
 as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

### FULL NAME OF INVENTOR(S)

Inventor one: Ronald Berenson Citizen of: US  
Signature: Ronald Berenson Date: 3/31/04

Inventor two: Mark Bonyhadi Citizen of: US  
Signature: Mark Bonyhadi Date: 3/29/04

Inventor three: Dale Kalamasz Citizen of: US  
Signature: Dale Kalamasz Date: 3/31/04

Additional inventors or a legal representative are being named on \_\_\_\_\_ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 980034.422C1

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EXPRESS MAIL NO. EV336654419US

PTO/SB/81 (06-03)

Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**ELECTION AND POWER OF  
ATTORNEY and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

<b>Application Number</b>	10/729,822
<b>Filing Date</b>	December 5, 2003
<b>First Named Inventor</b>	Ronald Berenson
<b>Title</b>	COMPOSITIONS AND METHODS FOR ELIMINATING UNDESIRED SUBPOPULATIONS OF T CELLS IN PATIENTS WITH IMMUNOLOGICAL DEFECTS RELATED TO AUTOIMMUNITY AND ORGAN OR HEMATOPOIETIC STEM CELL TRANSPLANTATION
<b>Art Unit</b>	
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	980034.422C1

I hereby appoint:

 Practitioners at Seed IP Law Group PLLC, Customer Number: 00500

OR

 Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

 The above-mentioned Customer Number.

OR

 The address associated with Customer Number:

I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

 As assignee of record of the entire interest I/we hereby elect, under 37 CFR 3.71, to prosecute the application to the exclusion of the inventor(s).

**SIGNATURE of Applicant or Assignee of Record**

Name	<i>Jeanne Black</i>	<i>Jeanne Black</i>
Signature	<i>Jeanne Black</i>	
Date	<i>4/6/04</i>	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

 \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Ronald Berenson et al.Application No./Patent No.: 10/729,822 Filed/Issue Date: December 5, 2003Entitled: COMPOSITIONS AND METHODS FOR ELIMINATING UNDESIRED SUBPOPULATIONS OF T CELLS IN PATIENTS WITH IMMUNOLOGICAL DEFECTS RELATED TO AUTOIMMUNITY AND ORGAN OR HEMATOPOIETIC STEM CELL TRANSPLANTATIONXCYTE Therapies, Inc.

(Name of Assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is        %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title noted in B above are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

4/6/04

Date

Joanna Black

Typed or printed name

206-262-6200

Telephone Number

Joanna Black

Signature

VP & General Counsel

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**COPY**

## ASSIGNMENT

WHEREAS, we, Ronald Berenson, Mark Bonyhadi and Dale Kalamasz (hereinafter referred to as ASSIGNORS), having mailing addresses of P.O. Box 1597, Mercer Island, Washington 98040, 27187 SE 27<sup>th</sup> Street, Issaquah, Washington 98029, and 12045 184<sup>th</sup> Avenue NE, Redmond, Washington 98052, respectively, are the joint inventors of an invention entitled "COMPOSITIONS AND METHODS FOR ELIMINATING UNDESIRED SUBPOPULATIONS OF T CELLS IN PATIENTS WITH IMMUNOLOGICAL DEFECTS RELATED TO AUTOIMMUNITY AND ORGAN OR HEMATOPOIETIC STEM CELL TRANSPLANTATION," as described and claimed in the specification forming part of a continuation-in-part application for United States letters patent which was filed on December 5, 2003 and assigned Application No. 10/729,822; this application is a continuation-in-part of U.S. Application No. 10/603,577, filed June 24, 2003, which application is pending and which claims the benefit of U.S. Provisional Application Nos. 60/442,001 filed January 22, 2003; 60/431,212 filed December 4, 2002; and 60/393,042 filed June 28, 2002;

WHEREAS, XCYTE Therapies, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at 1124 Columbia Street, Suite 130, Seattle, Washington 98104, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

**COPY**

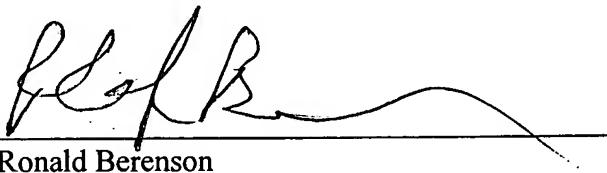
NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNEE hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents

required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Date

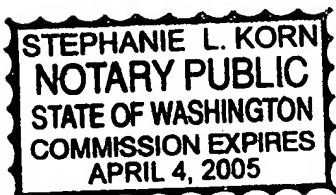
3/31/04

Ronald Berenson



State of Washington)  
County of King) ss.

I certify that I know or have satisfactory evidence that Ronald Berenson is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated March 21, 200431<sup>st</sup>Signature of Notary Public Stephanie KornPrinted Name Stephanie KornMy appointment expires April 4, 2005

Date

3/29/04

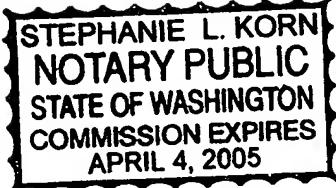
Mark Bonyhadi



State of Washington)  
County of King) ss.

I certify that I know or have satisfactory evidence that Mark Bonyhadi is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated March 29, 2004



Signature of  
Notary Public Stephanie Korn

Printed Name Stephanie Korn

My appointment expires April 4, 2005

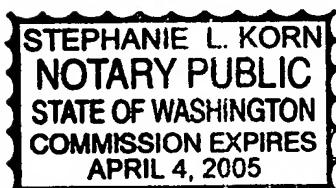
Date 3/31/04

Dale Kalamasz

State of Washington) ss.

County of King)

I certify that I know or have satisfactory evidence that Dale Kalamasz is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated March 31, 2004

Signature of  
Notary Public Stephanie Korn

Printed Name Stephanie Korn

My appointment expires April 4, 2005

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